

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROOCHI TRADERS INCORPORATED,

Plaintiff,

-against-

TIP TOP TEES INC., GLAMOUR LINE INC.,
GLAMOUR (USA), INC., ALPHA
MERCHANDISING CORP., ROSE DEAL,
INC., HARYASH PAUL, MOHAMMED
RAHMAN, MOHAMMED FAROQUE, JOHN
DOES 1-10, JANE DOES 1-10, and XYZ
COMPANIES 1-10,

Defendants.

CIVIL ACTION NO. 08-cv-3544 (WHP)

ECF Case

MOTION FOR DEFAULT JUDGMENT

PURSUANT TO Federal Rule of Civil Procedure 55(b)(2) and Rule 55.2(b) of the Rules of the United States District Courts for the Southern and Eastern Districts of New York, plaintiff Roochi Traders, Inc. ("Plaintiff") hereby moves this Court for a judgment by default against defendants Rose Deal, Inc. and Mohammed Faroque ("Defendants"), at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, as directed by the Court.

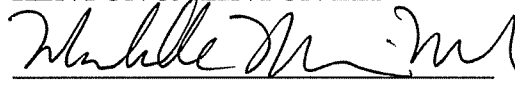
Plaintiff filed its Complaint on April 10, 2008. This is an action for trademark infringement, trademark counterfeiting, unfair competition and false designation of origin arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark

Counterfeiting Act of 1984, Public Law 98-473 (the “Lanham Act”) and for violation of the Racketeer Influenced and Corrupt Organizations (“RICO”) Act, as well as trademark infringement, unfair competition, dilution and deceptive acts and practices under the laws of the State of New York. A copy of the Complaint is attached hereto as Exhibit A. The Complaint was served on Defendant Rose Deal, Inc. on April 22, 2008, by service on Ashok Varshney who stated that he was authorized to accept service on behalf of Rose Deal, Inc., and on Defendant Mohammed Faroque on April 27, 2008, by personal service. Copies of the affidavits of service are attached hereto as Exhibit B. Accordingly, pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), Defendant Rose Deal was required to answer or otherwise plead by May 12, 2008, and Defendant Mohammed Faroque was required to answer or otherwise plead by May 19, 2008. As of the filing of the present Motion, Defendants have not answered or otherwise plead to the Complaint. A Clerk’s Certificate verifying Plaintiff’s service and Defendants’ failure to answer was executed and filed with this Court on May 30, 2008. A copy of the Clerk’s Certificate is attached hereto as Exhibit C.

WHEREFORE, Plaintiff's proposed injunction is tailored to protect its federally registered trademark COTTON HERITAGE. Accordingly, Plaintiff respectfully requests the entry of the injunctive provisions of the default judgment and a referral to a Magistrate Judge for an inquest regarding Plaintiff's request for monetary damages, attorney's fees and costs, in the form of the Proposed Default Judgment and Permanent Injunction.

Respectfully submitted,

Dated: June 26, 2008
New York, New York

KENYON & KENYON LLP
By: 
Michelle Mancino Marsh (MM-1494)
Mimi K. Rupp (MR-0007)
One Broadway
New York, NY 10004
Phone: 212-425-7200
Fax: 212-425-5288

*Attorneys for Plaintiff
Roochi Traders, Inc.*

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SOUTHERN DISTRICT OF NEW YORK

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Plaintiff,

-against-

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NOTICE OF MOTION FOR DEFAULT JUDGMENT

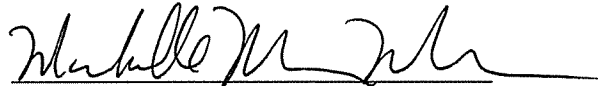
PLEASE TAKE NOTICE that upon the annexed Complaint, dated April 10, 2008, Affidavit of Mimi K. Rupp executed June 26, 2008, and Motion for Default Judgment with exhibits, including the Clerk's Certificate dated May 30, 2008, the undersigned will move this Court at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, as directed by the Court, for an order, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, entering default judgment in favor of plaintiff against Rose Deal, Inc. and Mohammed Faroque including an injunction and for an amount to be determined by inquest, plus reasonable attorney's fees, costs and disbursements of this action, and to set a date for such a hearing, on the ground that default has been entered against

defendants Rose Deal, Inc. and Mohammed Faroque for failure to answer or otherwise defend as to the Complaint of the plaintiff.

Respectfully submitted,

Dated: June 26, 2008
New York, New York

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*Attorneys for Plaintiff
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